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DATE FILED: 8/31/10

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LUIS CABANA, LEOPOLDO AVALO, DARNELL
SMITH,

Plaintiff,

- against -

NOTHING HEAVY HOLDING INC. d/b/a EMPIRE
DINER HOLDINGS CORP., MITCHELL WOO,
RENATA GONZALEZ

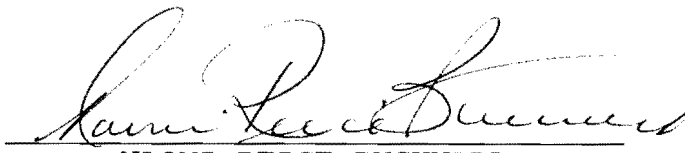
Defendant.
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NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

It having been reported to this Court that this case has
been settled, it is

ORDERED that the above-captioned action be, and hereby is,
dismissed without costs and without prejudice to restoring the
action to this Court's calendar if the application to restore the
action is made within 60 days.

DATED: New York, New York
August 31, 2010



NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE